

From: **Ex. 6 Personal Privacy (PP)**

Sent: 6/26/2019 4:51:12 AM

To:

# Ex. 6 Personal Privacy (PP)

Subject: Re: Fwd: RACISM /CDPHE and the VB/I 70 CAG

Bridget,

who knows for sure how people's racial perspectives will manifest; however it is true the Elyria kids were/are testing for 5x the blood lead levels of the Denver average. Since I was involved in the Shattuck cleanup I understood the process of bioaccumulation of heavy metals, and how certain plants could be used to hyperaccumulate them in bioremediation. The flip side of the coin being, of course, that ignorance or neglect can result in the same thing happening but the accumulated contaminants simply continuing to geometrically grow in toxicity while not being removed.

During the original CAG meetings "soil pica" behavior was the only pathway into the human body identified. However, composting the arsenic hyperaccumulator fescue grass will rather quickly turn your 100ppm arsenic levels into 1,000 if you're putting it into your garden; and then your brassica genus plants will take it from there. Lead has its own hyperaccumulators, including cottonwood leaves, which are used in some bioremediation projects back east. When you're promoting urban gardening in the "food desert" you should keep in mind the fact that certain urban areas are former or current superfund sites and may be impacted by poor soil testing practices, or below action level soils which can still contribute to hyperaccumulating factors.

To provide cheap and accurate (the same guy has been in charge of the VB/I-70 cleanup since 1992) soils testing I had a chemist with a PhD in bioremediation and a mass spectrometer in my mixed use industrial building. Since my building was slated to be turned over to the stock show, the City used his presence as an indication of a meth lab, though no meth was found. The statute, however, is broad enough to allow any coffee pot to be identified as a meth lab, so they were able to make the case that my chemist, who had an agreement to do neighborhood soil testing at cost, was intending to make meth with his \$20,000 mass spectrometer, thus making the coup of eliminating our local mass spectrometer and at the same time taking my building for peanuts.

Regardless, I wouldn't necessarily trust the CDPHE soil testing, and I wouldn't necessarily trust that the remedy was protective. I don't really want to say much more than that at the moment as I have a case in the Supreme Court and one in Federal District Court.

Tom Anthony

-----Original Message-----

From: Bridget Walsh

Sent: Jun 25, 2019 6:06 AM

To: Jennifer Opila - CDPHE , "jeannine.natterman" , megan.hughes@state.co.us, karin.mcgowan@state.co.us, "Jamison - CDPHE, Douglas" , jill.ryan@state.co.us, Auditor , "Aviles, Jesse" , Leslie Herod , Angela Williams

Subject: Fwd: RACISM /CDPHE and the VB/I 70 CAG

**FYI. CDPHE has long refused to post on its website information about the Vasquez Bl. /I-70 Superfund Site Community Advisory Group(CAG).**

**This CAG is located in an EPA Environmental Justice Site populated by mostly low income hispanics.**

**CDPHE posts for other CAGs including Lowry Landfill, that is not located in an EJ site.**

I have to ask if institutional racism is the cause of this serious omission on the part of CDPHE. If not, then what?

See the letter below that I sent to Jess Aviles of EPA.

See documentation below that lays out and confirms our concern.

I ask again: Why does CDPHE refuse to post on its website for the VB/I-70 CAG?

----- Forwarded message -----

From: **Bridget Walsh** <[denverbridget@gmail.com](mailto:denverbridget@gmail.com)>

Date: Mon, Jun 24, 2019 at 5:46 PM

Subject: RACISM and the VB/I 70 CAG

To: Aviles, Jesse <[Aviles.Jesse@epa.gov](mailto:Aviles.Jesse@epa.gov)>, Steve Wharton <[wharton.steve@epa.gov](mailto:wharton.steve@epa.gov)>, Chergo, Jennifer <[Chergo.Jennifer@epa.gov](mailto:Chergo.Jennifer@epa.gov)>, Fonda Apostolopoulos - CDPHE <[fonda.apostolopoulos@state.co.us](mailto:fonda.apostolopoulos@state.co.us)>, Parish - CDPHE, Meg <[meg.parish@state.co.us](mailto:meg.parish@state.co.us)>, Oeth - CDPHE, Trisha <[trisha.oeth@state.co.us](mailto:trisha.oeth@state.co.us)>, Ross, Andrew - DEH CE2294 Project Manager II <[Andrew.Ross@denvergov.org](mailto:Andrew.Ross@denvergov.org)>

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Dear Jesse,

There has been a misunderstanding.

At the June CAG meeting, I did not accuse anyone of being a racist.

This fact was confirmed in an email from the CAG Administrator Kim Morris.

We also have a complete recording of the meeting.

I am so sorry if you took my inquiries that way.

I assume that English is not your first language and that you may miss some nuances of the language.

You emailed Kim Morse, the CAG Administrator :

"Hello Kim:

*Last Tuesday Bridget call us racists. The facilitator will call out such accusations in the next meetings. If the accusations continue, the person will be asked to leave. If the person doesn't agree to leave, EPA will leave the meeting. Race does not restrict our dedication."*

Jesse Aviles

Remedial Project Manager

Kim's reply:

"Jesse,

*Bridget may have implied that there were some racial disparities in how she perceives the different CAGs being supported by EPA Region 8. I didn't hear her call anyone at the meeting a racist. Just to make sure I didn't miss that word leaving her lips, I fact checked with another meeting attendee. They confirmed that they did not hear Bridget call anyone a racist.*

*It is difficult to ignore that there are differences in how, for example, the Lowry Landfill CAG is supported vs how the VB/I-70 CAG is supported by the EPA and other local agencies, based on agendas, agency and elected official attendance, audio/visual support for onsite and remote attendees, materials and information, website support and conversations with people involved with both groups. We stand with our neighbors living within the VB/I-70 neighborhoods and are working for equal resources, representation and protection that has been withheld from them previously.*

Regards,  
Kim"

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## **Difference between 'racist' and 'racism'**

There is a difference between accusing a *person* of being a racist and questioning whether institutional racism is preventing the Vasquez Blvd./ I-70 Superfund Site (VB/I-70) Community Advisory Group (CAG) from full access to agency services afforded to other CAGs in Colorado.

I was questioning the reasons behind the seeming unequal treatment of the VB/I-70 CAG that represents a CAG in an EPA Environmental Justice Site and CAGs that are not located in low income, minority areas.

### **Race is Important: VB/I-70 is an EPA Environmental Justice Site**

The VB/I-70 Site is an EPA Environmental Justice Site because there is a predominance of low income, *minority people* who live there.

### **Unusual Treatment of VB/I-70 CAG by Agencies**

Chuck Norris, one of the VB/I-70 CAG volunteer experts who has worked on many superfund projects as a technical expert and witness, shared his observations about the unusual treatment of the VB/I-70 CAG. Click here to read.

### **CDPHE's Unequal Treatment of VB/I-70 CAG?**

What could the reason be that the Colorado Department of Public Health and Environment (CDPHE) refuses to post information to its website for and about the VB/I-70 CAG, but posts for other CAGS?

CDPHE wrote to a CAG member that the reason that they do not post the VB/I-70 CAG information on their website as they do for other CAGs in Denver and Colorado is because they have determined the VB/I-70 CAG is not a "real" CAG because we do not have a Technical Assistance Grant(TAG).

*CDPHE was dead wrong on this point.*

Jesse, you were cc'd on this email but apparently did not correct the misinformation.

As you know, having a TAG does not define a CAG. A CAG may have a TAG or not.

The VB/I-70 CAG is fortunate, to have two excellent volunteer technical advisors, Chuck Norris and Adrian Brown, saving taxpayers the cost of paying for these expensive technical services.

### **NO CDPHE Reply**

Why did CDPHE not reply, with substance, to the CAG request to withdraw their approval of the EPA proposed delisting of OU1 (4500+ residences) at least until the source of the contamination in OU1 was determined?

Determining the source of contamination is the first step in any assessment of pollution and remediation.

EPA never determined the source of the contamination in OU1 yet they and CDPHE are signing off on the EPA delisting of OU1.

The remediation in OU1 seems to have been based on just an unsubstantiated guess of the source of the pollution.

See Norris and Earthjustice comments on proposed delisting of OU1.

EPAs own documents state, clearly, in many places, that the source of the pollution in OU1 was never determined by EPA scientists.

Mr. Norris, on behalf of the CAG, also offered CDPHE his professional opinion regarding leachate leaking directly into the South Platte River from under the landfill in OU2, without a permit perhaps in violation of the US Clean Water Act.

To date we have no official reply to the CAG regarding this possible violation.

### **Still Puzzled by CDPHE Actions**

We are still puzzled as to why CDPHE continues to deny the legitimacy of the VB/I-70 CAG and its experts, and refuses to post VB/I-70 CAG business on its website as they do for other CAGs.

The question about racial or other discrimination against the VB/I-70 CAG seems reasonable in view of the fact that the VB/I-70 site is an EJ site and is denied access to the CDPHE web site, and Lowry Landfill CAG, for example, not an EJ site, has full access.

CDPHE is the lead agency for both.

### **EPA Unequal Treatment of VB/I-70 CAG?**

EPA also seems to offer many services to other CAGs that have not been afforded to this CAG.

This was especially recognizable since our technical advisor , Chuck Norris, offered his presentation to the CAG, EPA, CDPHE and Denver in July, 2018, questioning the source of the pollution in Operable Unit 1 (OU1) , in the Site.

In August , 2018, EPA announced that they would no longer attend regular CAG meetings because, unbelievably, EPA said that they had nothing to talk about. It seems that EPA regularly attends other CAG meetings. For example see.

### **No EPA Reply**

In addition to the formal presentation by Mr. Norris, the CAG has offered the EPA ( and CDPHE)several Resolutions and has never received any written response : R1, R2, R3, R4, R5. See press release.

### **Avoiding Congressionally Mandated Participation**

The CAG informed the EPA, CDPHE and Denver that they had many unanswered questions and unfulfilled requests for documents.

The CAG is mandated by congress to be involved in advising EPA in a superfund site, as work is progressing.

EPA and CDPHE seem to be avoiding this kind of meaningful participation by the VB/I-70 CAG.

They deny the CAG access to meetings and documents until after decisions have been made and the horse is out of the barn.

### **Denver Declares work in VBI/I- 70 over.**

Denver Department of Environmental Health (DEH) also abruptly stopped posting our CAG information in November 2018 declaring that they were finished with their work in OU1 ( controversial time critical removal) although the CAG had many unanswered questions.

For example: Denver is not finished digging under unremediated 39th Ave (OU1) or at the Globeville Landing Outfall in OU2. See correspondence from CAG technical expert, Adrian Brown.

These are just a few of the questions that Denver has refused to discuss with the CAG although our Bylaws give us license to be involved in every aspect of the VB/I-70 Site.

### **Please Retest OU1**

After careful consideration of Mr. Norris' presentation, our CAG passed a resolution asking EPA to stop the delisting, retest the Site and honor the Environmental Justice needs of residents. The CAG asked CDPHE to rescind its letter No response in writing.

So, Jesse, i am not accusing anyone of being a racist. I just have a question:  
Why is the VB/I-70 CAG being treated differently than other CAGs in CO and  
Denver?

**Warmest regards,**

"Bridget" Eileen Walsh, Real Estate Broker

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**Warmest regards,**

"Bridget" Eileen Walsh, Real Estate Broker

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